

DECLARATION OF MICHELLE BORTON

I, Michelle Borton, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the following is true and correct.

1. I make this declaration based on my own personal knowledge and if called on to testify I could and would do so competently and truthfully to these matters.
2. I am a sole practitioner and run Borton Law PA, a criminal defense law firm based in Tampa, Florida.
3. I represent FB, who is currently detained at the facility known as Alligator Alcatraz. FB wishes to proceed under pseudonym in the case due to fear of retaliation.
4. FB is a national of Guatemala. He has been in the United States for 20 years and has a pending asylum petition. FB was waiting for his biometric appointment and it seems that he missed the appointment without knowledge. For that reason, he was already in immigration proceedings with a pending asylum claim when he was detained.
5. FB wishes to proceed under pseudonym in this case due to his current asylum proceedings. He fears persecution if returned to his home country and believes that public disclosure of his identity could expose him to further danger of political persecution and torture based on his history of political activism in his home country.
6. The state of Florida has not charged FB with any civil or criminal violations that would justify his detention by the state.
7. FB has maintained a steady job for over 19 years and has been an active member of Iglesia Roca Fuerte Church throughout that time, volunteering in roles such as photography, maintenance, custodial work, and community food and water distribution during the pandemic. He has no criminal history. FB is eligible for release from detention on bond.
8. FB was taken into custody on July 08, 2025, after leaving Iglesia Roca Fuerte Church. FB was stopped by officers in plain clothing, arrested, and transported to Krome Detention Center. He was transferred to Alligator Alcatraz on or about July 10<sup>th</sup>, 2025 from Krome Detention Center.
9. I filed a motion for custody redetermination (“bond motion”) on his behalf at the Miami Krome (Detained) Immigration Court via certified mail one weeks ago. According to the certified mail tracking process, the immigration court received the mail on July 27, 2025.
10. I called the Miami Krome Immigration Court on July 29, 2025, to inquire about the status of FB’s motion. The court said they do not have jurisdiction over Alligator Alcatraz.

11. I have not been able to speak confidentially with FB during his detention at Alligator Alcatraz, due to the attorney access restrictions described in this case. FB, however, has confirmed that he would like to participate as a plaintiff and as a class representative in this case through his brother.

Executed this 29th day of July, 2025, at Miami, Florida.

/s/ *Michelle Borton*

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Michelle Borton